IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States of America v. Leigh Ann Massengill
Case No. 3:17-cr-00091-TMB-2
Case No. 3:17-cr-00092-TMB-1

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

The matter comes before the Court on Defendant Leigh Ann Massengill's Expedited Motion for Early Termination of Supervised Release (the "Motion").[1] The Motion is opposed by Plaintiff United States of America,[2] unopposed by United States Probation and Pretrial Services Office ("USPO"),[3] and ripe for resolution.

Massengill moves for early termination of her supervised release on the basis of her full compliance with the conditions of probation, her successful transition back into the community, and her continued engagement in mental health treatment.[4] Specifically, Massengill requests the Court grant her Motion because, after her father's recent passing, she "would like to reside with her mother in Georgia, where she and her family can provide mutual support to one another."[5] Further, Massengill moves the Court to expedite consideration of the Motion because her mother has arranged for Massengill to fly to Georgia on September 9, 2022."[6]

USPO recommends the Court grant Massengill's early termination.[7] USPO reports that Massengill "has maintained stable housing, attended all treatment appointments, taken her required medications, and promptly communicated any relevant changes in circumstances to the probation officer through her term of supervision."[8] However, USPO notes two "incidents of concern" that occurred in January and May 2022, in which Massengill was pulled over after being seen dropping two individuals off at "known drug houses."[9] No new charges were filed as a result of the traffic

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[1] *Massengill I*, Dkt. 90 (Motion); *Massengill II*, Dkt. 159 (Motion). Massengill previously pleaded guilty in two cases: 3:17-cr-00092-TMB ("*Massengill I*") and 3:17-cr-00091-TMB ("*Massengill II*") and was sentenced to 57 months' imprisonment and three years of Supervised Release. Unless otherwise specified, the citations below refer to docket numbers in *Massengill I*.
[2] Dkt. 93 (Opposition).
[3] USPO did not file a response to the early termination in *Massengill I* but filed a singular response in *Massengill II*. Dkt. 164 at 1 (Amended USPO Memorandum).
[4] Dkt. 90 at 2.
[5] *Id.*
[6] Dkt. 91 at 1 (Unopposed Motion for Expedited Consideration).
[7] *Massengill II*, Dkt. 164 at 1.
[8] *Id.*
[9] *Id.*

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stops.[10] Despite these incidents, USPO recommends discharge from supervision because Massengill "has complied with all directives given during her term and has successfully reintegrated into the community."[11]

The United States, however, opposes the Motion. The United States asserts that it is appropriate to deny Massengill's early termination due to her plea agreement, which included supervised release, and her criminal history.[12] Nevertheless, the Government recognizes Massengill's "success on supervision" and acknowledges that it is "commendable that the defendant has done so well on supervision."[13]

18 U.S.C. § 3583(e)(1) allows a court—after consideration of the factors set forth in 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—to "terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised released . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice."

Having reviewed the briefing in this matter, and considering the factors set forth in 18 U.S.C. § 3553(a), the Court agrees with Massengill and concludes that early termination of her supervised release is warranted at this time.

Accordingly, the Court **GRANTS** the Motion at Docket 90. FURTHER, it is hereby **ORDERED** that Massengill's term of supervised release is terminated effective the date of this Order.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: September 2, 2022.

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[10] *Id.*
[11] *Id.*
[12] Dkt. 93 at 2.
[13] *Id.*